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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,342	01/23/2004	Daniel R. Danks	3055-3	7078
29941	7590	09/21/2006	EXAMINER	
GLENN C. BROWN, PC 777 NW WALL STREET, SUITE 308 BEND, OR 97701			GOODWIN, JEANNE M	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/763,342

Applicant(s)

DANKS ET AL.

Examiner

Jeanne-Marguerite Goodwin

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 1/23/2004 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 finally rejected under 35 U.S.C. 102(e) as being anticipated by US 6,907,582 to Stanley.

Regarding Claim 1. Stanley teaches a receiver in communication with a global positioning system (column 4 lines 29-32), a memory having at least one algorithm for calculating a tidal occurrence (column 4 lines 47-51), an algorithm including terms related to global positioning coordinates (column 5 lines 27-30), a processor in communication with the memory and operable to access the global positioning coordinates (column 6 lines 41-45), and the at least one algorithm to calculate a tidal occurrence at a predetermined location related to the global positioning coordinates

(column 4 lines 19-23).

Regarding Claim 2. Stanley teaches a receiver being operable to automatically obtain global positioning coordinates from a global positioning system (column 4 lines 34-38).

Regarding Claim 3. Stanley teaches the memory having a plurality of algorithms stored therein (column 6 lines 45-50).

Regarding Claim 4. Stanley teaches a display in communication with the processor (fig 6.) and adapted to display the calculated time of the tidal occurrence (fig 6. # 614).

Regarding Claim 5. Stanley teaches the processor being operable to select an algorithm from the memory based on the global positioning coordinates obtained from the global positioning system (column 4 lines 23-28).

Regarding Claim 6. Stanley teaches the processor is in communication with a data base (column 4 lines 39-42) and operable to acquire at least one algorithm from the data base (column 4 lines 42-45).

Regarding Claim 7. Stanley teaches the data base is remote from the tide clock (column 4- 5 lines 67-70).

Regarding Claim 8. Stanley teaches a data input apparatus (column 3 lines 42-45) and adapted to input global positioning data (column 4 lines 23-28).

Regarding Claim 9. Stanley teaches the data input apparatus operable by a user to manually input global positioning data (column 4 lines 58-61).

Response to Arguments

3. Applicant's arguments filed June 13th have been fully considered but they are not persuasive.

Regarding argument on page 1: Contrary to Applicant's belief, the prior art of record , in fact does clearly disclose a tide clock comprising pre-determined location-dependent algorithms are supplied to a device, in which the device then determines its position in terms of GPS coordinates (col. 4, lines 29-37), selecting the algorithm based on coordinates obtained, and then calculates and displays a tide schedule based on the GPS coordinates and selected algorithm.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 disclose related devices. JP06308275A to Oku and Abstracted Pub. KO2001000345 to Cho disclose tide information corrected by the present position based on a GPS coordinates.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG
Sept. 18, 2006



VIT Miska
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2800